

# How to Dismiss a Family Law Case

When both parties have participated in the case and the parties do not agree

Use these instructions if:

- (1) You are the petitioner, who started the court case, and the other party has participated, OR
- (2) You are the respondent, and you would like the court to dismiss the court case.

Note for Petitioner: if the other party **has not** participated in the case, or the other party agrees to dismiss the case, you should ask a facilitator for information on how to dismiss your case without scheduling a hearing.

**Warning!** If the case is dismissed, any temporary orders filed under that case will no longer be in effect!

## Talk to a lawyer, if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms. If you cannot afford a lawyer, you can:

- Find a lawyer to help you with the *most difficult* parts of your case, such as reviewing your forms, explaining how to get ready for court and confirming this is the best legal action for your case. You can contact the King County Bar Association to ask for a referral.
- Ask the Family Law Facilitator's office for a list of low-cost and free legal resources.

King County Superior Court  
516 3<sup>rd</sup> Ave, Room W-382  
Seattle, WA 98104

Maleng Regional Justice Center  
401 4<sup>th</sup> Ave North, Room 3D  
Kent, WA 98032

## Step 1: Fill out these forms.

This form can be downloaded at: [www.kingcounty.gov/courts/scforms.aspx](http://www.kingcounty.gov/courts/scforms.aspx)

| Form Name                                                                            | Form Number | Notes                                               | Completed                |
|--------------------------------------------------------------------------------------|-------------|-----------------------------------------------------|--------------------------|
| Notice of Court Date (Judges)<br>( <a href="#">Kent</a> or <a href="#">Seattle</a> ) |             | See steps 2 and 3 for how to choose a hearing date. | <input type="checkbox"/> |

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| Form Name                         | Form Number       | Notes                                                                                               | Completed                |
|-----------------------------------|-------------------|-----------------------------------------------------------------------------------------------------|--------------------------|
| Motion for Dismissal              | FL All Family 163 | Explain why the case should be dismissed.                                                           | <input type="checkbox"/> |
| Declaration (optional)            | FL All Family 135 | Use this form if you need more space to explain why the case should be dismissed.                   | <input type="checkbox"/> |
| Order on Motion for Dismissal     | FL All Family 164 | Fill this out the way you would like the Judge to rule. This is your proposed order.                | <input type="checkbox"/> |
| Proof of Personal Service         | FL All Family 101 | This is for the server to fill out after copies of your court papers are served on the other party. | <input type="checkbox"/> |
| Proof of Mailing or Hand Delivery | FL All Family 112 | See Step 5.                                                                                         | <input type="checkbox"/> |

## Step 2: Contact your assigned judge's bailiff to request a hearing date

### How to find out who your assigned judge is:

A judge is assigned to your case when the *Summons* and *Petition* is initially filed with the clerk. The name of your judge is listed on the first page of the *Order Setting Domestic Case Schedule*.

It is possible that your assigned judge changed. If you were mailed an "*Order on Change of Judge*," then you should schedule your court date in front of your new assigned judge.

You must call the Judge's bailiff to request a **hearing date and time**. A directory with the bailiff's phone numbers can be found on the [King County Superior Court website](#).

### Step 3: Fill out the Notice of Court Date (Judges) form

- Write the date and time given to you by the judge's bailiff next to "**Calendar Date**".
- Next to "**Nature of Motion**" write "*Motion to Dismiss*".
- Inside the box labeled "**Cases Assigned to Individual Judges**" check the box next to "*With oral argument hearing*".
- Write the date and time of hearing given to you by the bailiff next to "**Date/Time**".
- Write the name of your assigned judge next to "**Judge's Name**".
- Write the trial date (listed on your *Order Setting Domestic Case Schedule*), next to "**Trial Date**".
- Be sure to also write in the names of the parties and the case number on the top of page 1; you will also need to sign and provide your contact information on the bottom of page 1.
- On page 2, write all other parties' names and contact information.

### Step 4: Make copies and file with the clerk

#### How many copies do I need?

- Original set to file with the Clerk's office.
- Copy **1** is for your records.
- Copy **2** is to serve the other party.
- Copy **3** is for the Judge.

File the originals of the Notice of Court Date (Judges), Motion, and Declaration from step 1 in the clerk's office (Seattle: E-609, Kent: 2C) at least 6 court days before the hearing date. Do not file the (proposed) Order on Motion for Dismissal .

### Step 5: Deliver the Judge's Working Copies

The Judge's Working Copy is a set of all the forms from step 1, including the (proposed) Temporary Order Allowing Move with Children.

Copy and complete the chart below on the upper right hand corner of the first page of the set of forms you are delivering to the Judge.

#### Judge's Working Copies

Name of Judge: \_\_\_\_\_  
(Write your assigned judge's name)  
Hearing Date: \_\_\_\_\_  
Presented By (Your name): \_\_\_\_\_

Deliver the copies to the Judge's mailroom. In Seattle, the Judge's mailroom is Room C-203 and in Kent it is Room 2D. You must deliver the copies to the Judge's Mailroom at least **six (6) court days** before the hearing.

## **Step 6: Have the other party served**

### **What to serve**

Copies of all the forms from step 1 need to be served on the other party.

### **Deadline for service**

If the documents will be delivered directly to the other parent, the documents must be served at least **6 court days** before the hearing you scheduled.

If the documents will be mailed, generally you must add 3 days to the above deadline. (See [Washington State Superior Court Civil Rule 6 for specific information.](#))

### **How to serve**

You may deliver or mail the documents yourself (provided that no order restrains you from having contact). You may also ask someone over the age of 18 to deliver or mail the documents.

If the other party has an attorney, deliver or mail the forms to the attorney instead.

The person who delivered or mailed the forms fills out the *Proof of Mailing or Hand Delivery*.

File the original *Proof of Mailing or Hand Delivery* with the Clerk's Office, keep a copy for your records and bring it with you to the hearing.

## **Step 7: File a reply if you receive a response from the other parent**

The other party may file a written response to your motion. The response is due 2 court days before the hearing by 12:00 noon.

You may file a reply to the response by filing out a Declaration form (listed in step 1). The reply must be filed, delivered to the Judge's mailroom, and served no later than 12:00 noon, the day before the hearing.

## **Step 8: Show up to court for your hearing date**

- Arrive at least 30 minutes early! You will need time to go through security.
- Go to your judge's courtroom. Check in with the clerk.
- Bring your original Order on Motion for Dismissal and a copy of all the other forms you filed.
- If you want copies of the signed orders after your hearing, tell the Clerk.